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PATENT
ATTORNEY DOCKET: 46969-5456

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Kazuto SAKEMURA, et al.)	Confirmation No.: 8306
)	
Application No.: 10/594,904)	Group Art Unit: 2879
)	
Filed: April 25, 2007)	Examiner: Mary Ellen Bowman
)	
For: ELECTRON EMITTING DEVICE)	
AND MANUFACTURING METHOD)	
THEREOF AND IMAGE PICK UP)	
DEVICE OR DISPLAY DEVICE)	
USING ELECTRON EMITTING)	
DEVICE)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

Request for Reconsideration of Holding of Abandonment

Applicants received a Notice of Abandonment dated February 25, 2009 in the instant application. Applicants respectfully request reconsideration of such a holding because Applicants disagree with the holding on the basis that there is no abandonment in fact as per MPEP Section 711.03. More particularly, the Notice of Abandonment states that this application is abandoned in view of Applicants' failure to timely file a proper reply to the Office letter mailed on August 13, 2008. The Notice of Abandonment states that "[n]o reply has been received." Such statements are respectfully traversed because Applicants filed a complete response as an Amendment in response to the Office Action dated August 13, 2008, together with a three-month petition for an extension of time with corresponding fee payment, on

February 10, 2009. A courtesy copy of the as-filed Amendment papers is attached hereto, together with a copy of the postcard sheet which includes the official date stamp of the USPTO indicating the USPTO's acknowledgement of receipt of the as-filed Amendment papers on February 10, 2009. In addition, the inclusion of these Amendment papers, as filed on February 10, 2009, on PAIR is further evidence of Applicants submission of this response to the Office Action.

No fee is believed to be due for filing this paper, however, in the event that fees are deemed necessary, the Commissioner is hereby authorized to charge any necessary fees which may be required to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: March 5, 2009

By:



Paul A. Fournier

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The official date stamp of the United States Patent and Trademark Office hereon is acknowledgment of the receipt of:

I. Application

- ☐ A. Application Transmittal
 - ☐ Provisional
 - ☐ Utility
 - ☐ Design
 - ☐ Plant
- ☐ B. Continuation/Divisional/Continuation-In-Part
 - ☐ § 1.53(b)
 - ☐ § 1.53 (f) – fee not included
- ☐ C. Specification:
 - _____ Sheet(s)
- ☐ D. _____ Total Claim(s)
- ☐ E. _____ Sheets of Drawing(s)
 - ☐ Formal
 - ☐ Informal (containing _____ Figures)
- ☐ F. Small Entity
- ☐ G. Combined Declaration & Power of Attorney

II. Prosecution Documents

- ☒ A. Amendment Transmittal Form
- ☒ B. Amendment
- ☐ C. Claim to Priority & Priority Document(s)
- ☐ D. Information Disclosure Statement
 - ☐ PTO Form 1449 – One (1) page
 - ☐ European Search Report dated October 31, 2008
- ☐ E. Issue Fee
 - ☐ Form PTOL-85
 - ☐ Request for _____ Soft Copies
- ☐ F. Formal Drawing(s): _____ Sheet(s)

III. Post Issuance

- ☐ A. _____ Maintenance Fee
- ☐ B. Request for Correction of Letters Patent

IV. Recordation

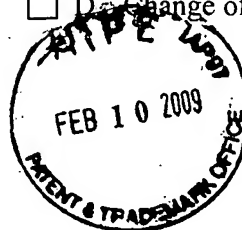
- ☐ A. Assignment Agreement (Number of Patents Covered: _____)
- ☐ B. Security Interest Agreement (Number of Patents Covered: _____)
- ☐ C. Change of Name, Merger or Other Transfer Document (Number of Patents Covered: _____)
- ☐ D. PTO Recordation Form Cover Sheet

VI. Payment

- ☒ Check No. _____ for \$1,110.00 for 3-month extension of time fee
- ☐ Fee Transmittal PTO/SB/17
- ☐ Deposit Account No. _____ for \$ _____

VII. Other

- ☐ A. Transmittal Letter (_____ pages)
- ☐ B. Power of Attorney
- ☐ C. Appointment of Domestic Representative
- ☐ D. Change of Correspondent's Address



Date: February 10, 2009
Attorney Docket No./File No.: 46969-5456
Matter No.: 231731
Title: Electron Emitting Device and Manufacturing Method Thereof and Image Pick Up Device or Display Device Using Electron Emitting Device
Inventor(s): Kazuto SAKEMURA et al.
Application/Patent No. 10/594,904
Attorney: Paul A. Fournier
Secretary: Leneetha L. Dyar

2/10/09